



ATTORNEY DOCKET NO. SAIC0062CON-1
36609-300901

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:)
)
R. Paul Schaudies, et al.)
)
Serial No. **10/630,384**) Art Unit: **1637**
)
Filed: **July 30, 2003**) Examiner: **Fredman, J.**
)
For: **METHOD FOR DETECTING A**)
BIOLOGICAL ENTITY IN A SAMPLE)
)

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102 (d) AND
STATEMENT IN SUPPORT OF PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.102 and MPEP § 708.02, the undersigned respectfully petitions the Commissioner for advanced examination of the above-identified patent application. Advanced examination is requested on the basis of special grounds pursuant to 37 CFR § 1.102 (d) on the basis that the above-identified application is directed to an invention for countering terrorism, as set forth in MPEP § 708.02 (XI): "Inventions for Countering Terrorism."

Applicants previously petitioned the Commissioner for advanced examination of the above-identified patent application. However, the Petition was denied on the basis that none of the claims were specifically directed to bioterrorism activities. Applicants have now filed a Second Supplemental Preliminary Amendment in which they have

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 8, 2005.

Jamie L. Greene - Reg. No. 32,467

been added that are specifically directed to bioterrorism activities. For the convenience of the Examiner, the newly added claims are as follows:

Claim 141. (Newly presented) A method for detecting one or more pathogens in a sample, wherein the pathogens are used for the production of biological weapons for terrorism or battlefield use, comprising:

(a) combining one or more nucleic acid sequences in a sample with multiple primers comprising randomized nucleotide sequences, said randomized sequences being sufficiently randomized to provide nonpreferential start sites for amplification of the sample nucleic acid sequences;

(b) performing a plurality of cycles of a polymerase chain reaction to randomly amplify the sample nucleic acid sequences, to produce nucleic acid amplification products,

(c) combining the amplification products with an array of predetermined nucleic acid sequences; and

(d) detecting amplification products hybridized to the array.

Claim 142. (Newly presented) The method of Claim 141, wherein the biological pathogen comprises *Bacillus anthracis* or *Yersinia pestis*.

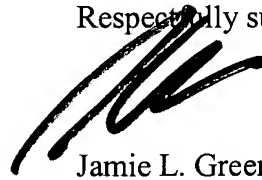
Statement in Support of Petition

Applicants respectfully submit that the invention described and claimed in the above-identified patent application contributes to countering terrorism by describing a method for the detection of one or more pathogens in a sample, wherein the pathogens are used for the production of biological weapons for terrorism or battlefield use. This method is set forth in Claim 141. The method is useful for detecting pathogens that have been used or are known to present the risk of being used as biological warfare or bioterrorism agents such as, but not limited to, *Bacillus anthracis* (anthrax) and *Yersinia pestis* (bubonic plague). Claim 142 specifies these two pathogens.

U.S. Patent Application Serial No. 10/630384
Method for Detecting a Biological Entity in a Sample
Art Group: 1637
Petition to Make Special

Accordingly, applicants respectfully requests that this Petition to Make Special be granted to expedite prosecution of the above-identified application.

Respectfully submitted,

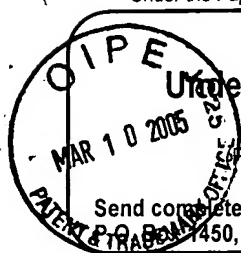


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(36609-300901)

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**PETITION FEE**

Under 37 CFR 1.17(f), (g) & (h)

TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/630,384
Filing Date	July 30, 2003
First Named Inventor	R. Paul Schaudies, et al.
Art Unit	1637
Examiner Name	Fredman, J.
Attorney Docket Number	SAIC0062-CON1

Enclosed is a paper filed under 37 CFR 1.102 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, (e.g., Mail Stop Petition), if applicable. For transmittal of petition fees under 37 CFR 1.17(i) see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

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- ☒ processing fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

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☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.296 - for review of refusal to publish a statutory invention registration!
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

George T. Marcou

Typed or printed name

Date

33,014

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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